



RIGHTS STUFF

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Service Parrots, Monkeys, Miniature Horses And Ducks

Most of us are familiar with service dogs - dogs that help people with visual impairments and people who use wheelchairs navigate through their community. But a growing number of people with disabilities rely on other species, including parrots, monkeys, miniature horses and even ducks to serve as service animals. A recent article in the New York Times Sunday magazine gave these examples:

- A blind woman who uses a miniature horse to cross sidewalks. The horse, when instructed to do so, can hit the "walk" signal button.
- A man with psychotic tendencies who has a parrot that can sense when he's getting upset and tell him, "It's OK Jim. Calm down, Jim. You're all right Jim. I'm here, Jim." Since the man got the parrot, he's had only one incident where he displayed an inordinate amount of anger, and that was when he left the parrot at home.
- A woman who has a macaque monkey that helps her combat her agoraphobia, severe anxiety disorder and panic attacks.
- People who use ducks, ferrets, pigs and iguanas for similar purposes.

Often, businesses are not sure how to respond to customers with such service animals. For example, some people fear that a monkey or a horse in a restaurant is a health concern. To address these concerns, the US Department of Justice last year sug-

gested limiting service animals to "dogs or other common domestic animals," specifically excluding wild animals, reptiles and horses. At a hearing last summer, people who use unorthodox service animals objected to the DOJ proposal, but DOJ has yet to say whether it has changed its mind.

Currently, there is no process by which an animal is certified as a "service animal." Such a process might resolve a lot, but not all, of the concerns. Education about the use of such animals is necessary as well. As Lex Frieden, a health information science professor at the University of Texas Health Science Center, said in the Times article, "The public used to be put off by the very sight of a person with a disability. That state of mind delayed productivity and caused irreparable harm to many people for decades. We've now said, by law, that regardless of their disability, people must have equal opportunity, and we can't discriminate. In order to seek the opportunities and benefits they have as citizens, if a person needs a cane, they should be able to use one. If they need a wheelchair, a dog, a miniature horse or any other device or animal, society has to accept that, because those things are, in fact, part of the person."

(Article based on Creature Comforts by Rebecca Skloot, New York Times Sunday magazine, January 4, 2009, page 34.) ♦

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Withdrawal Of Complaint Subject To EEOC Approval

In June, 2004, Watkins Motor Lines decided it would no longer hire anyone who had been convicted of a violent crime. It made this decision after experiencing three episodes of employee-on-employee murder or attempted murder.

In September, 2004, Lyndon Jackson applied for a job with Watkins. His application was denied because of his criminal record. He filed a complaint with the Equal Employment Opportunity Commission, which began an investigation as to whether Watkins' employment practice had a disparate impact on minority applicants and if it did, whether it was job related for the positions in question and consistent with business necessity.

Watkins did not cooperate with the EEOC's investigation. In 2005, the EEOC issued a subpoena seeking information it believed was relevant to its investigation. In January, 2006, Jackson and Watkins reached a private settlement. The settlement was contingent upon the EEOC's abandonment of its investigation. Jackson told the EEOC that he wanted to withdraw his complaint.

But the EEOC, which under its rules has discretion whether to allow a complaint to be withdrawn, decided to press ahead with its investigation of Watkins.

In March, 2008, the federal District Court refused to allow the subpoena to be enforced, saying that the EEOC needed to allow Jackson to withdraw his complaint. The District Court held that given that there was not a pending valid complaint, the court had no subject matter jurisdiction.

The Court of Appeals, when it overturned the District Court decision in late January, 2009, said that the District Court did indeed have subject matter jurisdiction to enforce the subpoena. As the Court of Appeals said, "A District Court's belief that the EEOC should not have investigated or sued does not detract from the fact that it did ask the court to enforce its subpoena. A statute authorizes the court to adjudicate this request. That's all subject-matter jurisdiction entails."

The Court said that the EEOC had begun a pattern-or-practice investigation that might lead to relief for many people besides Jackson, and thus Jackson cannot on his own dismiss the complaint. "Jackson and Watkins Motor Lines are free to resolve their own dispute but may not compromise the interests of other employees and applicants in the process." The Court concluded by saying it questioned "whether the EEOC is acting prudently by devoting time of both its staff and Watkins to short-lived practices by an entity that is no longer an operating company" (Federal Express had purchased Watkins)," and whose rule may well be amply supported by 'business necessity,' given its history of workplace violence, the Executive Branch rather than the Judicial Branch is entitled to decide where investigative resources should be devoted. A charging party's change of mind does not diminish the agency's authority to investigate on its own behalf."

The case is Equal Employment Opportunity Commission v. Watkins Motor Lines, 2009 WL 152474 (7th Cir. 2009). ♦

Bloomington Association For People With Hidden Disabilities

The Bloomington Association for People with Hidden Disabilities is an advocacy group, raising awareness and offering educational services. The term "hidden disability" is a catch-all phrase that simply means that a person's impairment or condition is not obviously apparent or visible.

The group is having its monthly meeting on Thursday, April 30, at 4, in meeting room 1A of the Monroe County Public Library on Kirkwood. The topic of discussion for the April meeting will be stigma and discrimination. For more information, contact Rachel J. Roby, rroby@umail.iu.edu. ♦

BHRC Primer For Employers Available

The Bloomington Human Rights Commission has recently revised its pamphlet, "Equal Employment Opportunity: A Primer for Employers." The pamphlet helps employers understand various fair employment laws, explains what sexual harassment and affirmative action is, discusses the Americans with Disabilities Act, talks about questions to avoid during interviews and includes a section on frequently asked questions. If you would like a free copy, please contact the BHRC. ♦



City's Employee Services Director Honored by INARF

City of Bloomington Employee Services Director Daniel Grundmann has been named the Partnership Award winner by the Indiana Association of Rehabilitation Facilities (INARF) for his leadership in shaping attitudes and practices toward people with disabilities.

A statewide organization comprised of more than 80 companies from a variety of industries, INARF presents the award annually to an individual, business, club or educational institution that has made significant contributions to improving the lives of people with disabilities through innovative approaches to service delivery and by helping to form positive public perception.

Susan Rinne, Executive Director for Monroe County-based Options, nominated Grundmann for the award. Rinne also serves the INARF board and was recently recognized

by the organization for her service. In her nomination of Grundmann, she noted how his commitment to this cause has made long-term changes in public attitudes a reality.

"Daniel exemplifies all the characteristics of a community partner," Rinne said. "His efforts around promoting employment opportunities for people with disabilities have been innovative and have led to lasting changes in how agencies like ours help people find jobs."

Grundmann, the City's ES director since 2001, serves as lead business representative for DiversityWorks and has worked for years with Options, Stonebelt and other organizations and programs in developing and implementing employment strategies for people with disabilities. Additionally, he has given speeches and served as a discussion panelist at national, state and local conferences, advocating for more

education and awareness for businesses regarding the benefits of hiring people with disabilities.

"I am honored that INARF has recognized me, and I'm especially grateful to all the self-advocates, dedicated staff, volunteers and members of organizations statewide that make it their mission to advocate for people with disabilities and educate the public," said Grundmann. "We at the City of Bloomington have been fortunate to work in partnership with key players in our community who understand how important this cause really is."

INARF presented the award to Grundmann at its annual conference on March 11, at the Sheraton Keystone Hotel in Indianapolis. ♦

Winners of BHRC's Annual Essay/Art Contest Announced

The winners of the eighteenth annual Human Rights Commission's 2009 Essay/Art contest have been announced. The theme this year for lower elementary classes was "Celebrate Unity in Our Community." For upper elementary classes, the theme was "What the Bill of Rights Means to Me."

The essay winners at the lower elementary level were first place, Lindsey Randle, grade 4, University; second place, Clancy M. Lyles, grade 4, Childs; and third place, Ellie Pursley, grade 3,

Childs. The essay winners at the upper elementary level were first place, Joshua Nunes, grade 5, Childs; second place, Barnabas Obeng-Gyasi, grade 5, Clear Creek; and third place, Brantley Goodrich, grade 5, Childs.

The art winners at the lower elementary level were first place, Mrs. Smith's Childs' Third Grade Class Book; second place, Hannah Kunzman, grade 4, University; and third place, Rachael Silberstein, grade 4, University. The upper elementary art winners were first place, Shelby Raby, grade 6, Clear Creek; second place, Lincoln Ed-

ward Ellington, grade 6, Clear Creek; and third place Natalie Cook, grade 5, Childs.

Congratulations to these students.

And a big thank you to our donors, Robinson Construction Management; Aver's Pizza; Andrews, Harrell, Mann, Carmin & Parker, PC; Cassady Electrical Contractors; William Lloyd and One World Enterprises. ♦

(See pictures on page 4)



Learning To Look At Life From Different Angles



Mayor Mark Kruzan poses with the winners of the BHRC's 2009 Essay/Art contest at the awards ceremony on March 31, 2009 in the Council Chambers at City Hall. See story on page 3.

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